

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONTE D. MEEKS,

Plaintiff,

v.

JUDGE REBECCA A. KIEFER,
KARINE O'BYRNE, JESSICA
BEHLING, and ANDERSON M.
GANSNER,

Defendants.

Case No. 24-CV-1600-JPS

ORDER

In December 2024, Plaintiff Donte D. Meeks ("Plaintiff"), proceeding pro se, sued Judge Rebecca A. Kiefer, District Attorney Karine O'Byrne, District Attorney Jessica Behling, and Judge Anderson Gansner ("Defendants") for allegedly violating his constitutional rights. ECF No. 1. He also moved for leave to proceed in forma pauperis. ECF No. 2.

In January 2025, Magistrate Judge Stephen C. Dries ordered that Plaintiff's complaint be dismissed with leave to amend, noting that it did not sufficiently explain how Defendants allegedly violated Plaintiff's constitutional rights and that it implicated immunity issues. ECF No. 7. Magistrate Judge Dries granted Plaintiff until February 4, 2025 to file an amended complaint curing the defects noted, and he warned that failure to timely file such an amended complaint could result in dismissal of the case for failure to prosecute. *Id.* at 2. On February 14, 2025, having received no amended complaint or other filing from Plaintiff, Magistrate Judge Dries sua sponte afforded Plaintiff another opportunity to file an amended complaint. ECF No. 8 (extending time to file an amended complaint to

March 7, 2025 and warning that failure to comply would result in dismissal of the case with prejudice).

On April 4, 2025, again having received no amended complaint or other filing from Plaintiff, Magistrate Judge Dries entered a report and recommendation recommending that this Court dismiss Plaintiff's case for lack of diligence. ECF No. 9 at 1 (citing Fed. R. Civ. P. 41(b) and Civ. L.R. 41(c)). Magistrate Judge Dries ordered that any written objections to the recommendation be filed within fourteen days of service of the recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b)(2). *Id.* at 2. Plaintiff has not timely objected to the recommendation. That being the case, and independently seeing no reason to depart from the recommendation, the Court will adopt Magistrate Judge Dries' recommendation and order that this case be dismissed with prejudice for failure to prosecute. *See* Fed. R. Civ. P. 72, Notes of Advisory Committee on Rules—1983 (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citing *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879)); *Paul v. Marberry*, 658 F.3d 702, 704 (7th Cir. 2011) (“Dismissals because the plaintiff failed to prosecute his case are deemed to be with prejudice unless the order of dismissal state otherwise.” (citing Fed. R. Civ. P. 41(b))); *Hill v. United States*, 762 F.3d 589, 591 (7th Cir. 2014) (“[D]ismissal for failure to prosecute is presumptively with prejudice” (citing *Lucien v. Breweur*, 9 F.3d 26, 29 (7th Cir. 1993))).

Accordingly,

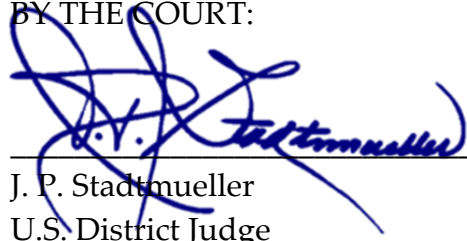
IT IS ORDERED that Magistrate Judge Stephen C. Dries' report and recommendation, ECF No. 9, be and the same is hereby **ADOPTED**;

IT IS FURTHER ORDERED that Plaintiff Donte D. Meeks' motion for leave to proceed in forma pauperis, ECF No. 2, be and the same is hereby **DENIED as moot**; and

IT IS FURTHER ORDERED that this case be and the same is hereby **DISMISSED with prejudice** for failure to prosecute.

Dated at Milwaukee, Wisconsin, this 6th day of May, 2025.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge